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00436573 Bk00905 Pg00253-00259

ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1995 SEP 01 15:53 PM FEE \$152.00 BY DMG
REQUEST: COALITION TITLE

SUPPLEMENTARY DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR
PINERIDGE AT PINEBROOK SUBDIVISION
Summit County, Utah

THIS SUPPLEMENTARY DECLARATION is made as of September 1, 1994 by PINE RIDGE L.L.C., a Utah limited liability company (hereinafter called "Declarant"), the developer of Pineridge at Pinebrook.

RECITALS:

- A. Declarant is the owner of that certain property located in Summit County, Utah (hereinafter called the "Property"), particularly described in Exhibit "A" attached hereto.
- B. The Property is subdivided into Lots 1 through 130 (hereinafter called the "Lots"), on the official plat of Pineridge at Pinebrook Subdivision recorded in the Office of the Summit County Recorder.
- C. Declarant's predecessor-in-interest, Gorgoza Pines Ranch, Inc., recorded a Declaration of Covenants, Conditions and Restrictions for Pinebrook Subdivisions 1 and 2, which Declaration was recorded on October 6, 1977, at Book M102, Pages 118-134 of the records of Summit County Recorder (hereinafter called the "Original Declaration").
- D. Article II of the Original Declaration provides for the annexation of additional property by Gorgoza Pines Ranch Inc. and its successors and assigns by the filing of a supplementary declaration. A number of supplementary declarations (hereinafter called the "Supplementary Declarations") have been recorded to annex the additional developments as set out in Exhibit "B" attached hereto.

E. Section 3 Article II of the Original Declaration provides that a Supplementary Declaration may contain additions and modifications as may be necessary to reflect the different character of the added property so long as they are not inconsistent with the plan of the Original Declaration. The Property and the Lots are of sufficiently different character to justify the additions and modifications hereinafter set out and said additions and modifications which are consistent with the plan of the Original Declaration.

F. Declarant desires to annex the Property to the Original Declaration and to subject the Property to the Original Declaration, with the additions and modifications hereinafter set out, and to subject the Property and the Lots to the jurisdiction of the Pinebrook Homeowner's Association described therein.

NOW, THEREFORE, Declarant hereby covenants, agrees and declares that the Property shall be and is hereby annexed according to Article II of the Original Declaration, and all of the Property shall be held, sold, conveyed, encumbered, leased, used, occupied and improved subject to the limitations, restrictions, covenants, conditions and easements, set out in the Original Declaration, as well as the additional and modified limitations, restrictions, covenants, conditions and easements hereinafter set out, which additions and modifications shall only apply to the Property; and the Association. The limitations, restrictions, covenants, conditions and easements set out in the Original Declaration, as well as the additional and modified limitations, restrictions, covenants, conditions and easements hereinafter set out, shall run with the Property and shall be binding on all parties having or acquiring any right, title or interest in the Property, or any part thereof, and shall inure to the benefit of each such party and their successors and assigns and shall be finding on and inure to the benefit of the Declarant and its successors and assigns.

ALL OF THE FOREGOING IS SUBJECT TO: All liens for current and future taxes, assessments and charges imposed or levied by governmental or quasi-governmental authorities; all parent reservations and exclusions; all mineral reservations and exclusions; all mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described tract or any portion thereof, including without limitations, any mortgage or deed of trust; all visible easements and rights-of-way; and all easements and rights of way of record.

MODIFICATIONS AND ADDITIONS:

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The following modifications to the limitations, restrictions, covenants, conditions and easements set out in the Original Declaration and/or additional limitations, restrictions, covenants, conditions and easements shall only apply to the Property or the particular Lots therein referred to:

1. Building Location. Article X, Section 4 of the Original Declaration is modified to provide as follows: All lot lines, set backs, building zones, and areas of disturbance shall be as set forth and described in the Pineridge Subdivision Plat Map dated September 1, 1995, as recorded with the Summit County Recorder on Sept 1, 1995 1995, as entry no. 436572 at Book _____, Pages _____.
2. Height Restrictions. Article X, Section 5 of the Original Declaration is modified to provide as follows: No roof line shall be greater than 30 feet above the average grade as measured at the mid point of the roof line. Average grade shall be determined by taking the average grade of the building

zone from back to front through the midpoint of the building zone. In no event shall any point of the roof line exceed 35 feet above the undisturbed slope.

3. Building size. Article X, Section 2 of the Original Declaration is modified to provide as follows: The minimum floor area for dwellings in the Subdivision is 2,000 square feet. No dwelling shall be constructed or altered in a manner that would violate this limit. No single store dwelling shall be less than 2,000 square feet in floor space. No two story dwelling shall be less than 1,400 square feet floor space on the ground level and not less than 600 square feet on the second floor.

4. Fencing. Article X, Section 21 (f) of the Original Declaration is modified to provide as follows: No fence may be installed that is chain link or wire mesh anywhere except for a dog run as approved by the Architectural Committee.

5. Siding. Article X, Section 21 (b) of the Original Declaration is modified to provide as follows: No aluminum siding shall be permitted.

6. Building zone. Article X, Section 4, of the original declaration is modified to include: In any case the building zone as noted for each lot on the plat shall prevail.

7. Mail Box and Yard Lamp. Article X, Section 23 of the Original Declaration is deleted and shall have no further force or effect.

8. Snowplowing obstructions. No above street grade obstructions shall be constructed or placed within the public road right of way. Excepting Public Utilities.

9. Ejector pumps. Lots on the downhill side of roads may require pump facilities to lift sewage into the sewer lateral. Due to the terrain and architectural style of construction, the elevation of all sewer laterals should be verified and incorporated into home design. Pump design shall be private individual ejector pumps at the individual lot owner's expense. CC&R's also require a dual pump system.

10. Drainage easement: The natural drainage courses on Lots 6, 7, 10, 11-14, 23-28, 41, 59, 67, 72, 76, 86, 100, 110, 114-117, 120-123, as set out on the recorded subdivision plat, shall be perpetuated. The drainage channel on those lots, as well as any other natural drainage courses across any other lots, may be modified to accommodate specific building plans. However, a clear and unobstructed drainage pathway of equal capacity must be provided through the lots and the modified drainage channel must terminate on the downstream lot line at the original channel location. Any drainage course modification must be approved by the Architectural committee.

11. Common Driveways. A common driveway easement is in effect and has been recorded concurrently herewith for the following lots, 11, 12, 13, 18, 19, 20, 30, 31, 32, 33, 34, 59, 60, 61, 62, 66, 67, 68, 117, 118, and 119.

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12. Snowplowing Assessment. Per plat general note #19, Snowplowing, the Homeowners Association shall be responsible for paying the county annually for this calculated fee and collection from each vacant lot owner. Payment to the County commences with County acceptance of the dedicated roads in the subdivision and is due annually the first business day of each January.

13. Additional Modifications. This Supplemental Declaration and all lots within the Pineridge Subdivision shall be subject to all terms and conditions contained in that Consent Agreement dated november 29, 1993, by and between Pinebrook Development Corporation and Summit County, a body politic, including, but not limited to the following:

a. NFPA 13-D Residential fire sprinkler systems shall be installed in all new single family dwellings. Exterior fire sprinkler shall be installed where eaves, siding and projections are constructed of combustible materials.

b. All new structure shall be constructed with non-reflective, non-combustible roofing materials as approved by the Homeowners Association and the PCFD.

c. Metal roofs or roofs constructed of not combustible material are required and must be non-reflective and earth-tone in color.

IN WITNESS WHEREOF, Declarant has executed this instrument as of the date first hereinabove set out.

PINE RIDGE L.L.C.

By Richard W. Dudley
Its Manager

STATE OF UTAH)

: ss.

COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 28 day of August 1995, by Richard W. Dudley, a Manager of Pine Ridge L.L.C., a Utah Limited Liability Company.

Patricia L. Showalter
NOTARY PUBLIC

Residing at: Park City, Utah

My Commission Expires:

4/1/97



PATRICIA L. SHOWALTER
NOTARY PUBLIC - STATE of UTAH
2227 MONARCH DRIVE
PARK CITY, UT 84060
COMM. EXP. 4-1-97

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EXHIBIT "A"

BOUNDARY DESCRIPTION

A PARCEL OF LAND LYING WITHIN SECTIONS 10, 14, AND 15, TOWNSHIP 1 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at the Southeast corner of Section 15, T1S, R3E, SLB&M and running thence along the South line of Section 15 S 89° 52' 55" W 2114.97 feet; thence N 0° 25' 05" W 5392.97 feet to the North line of said Section 15; thence S 89° 56' 44" E 754.15 along said North line to the Sixteenth Corner of said Section 15; thence N 60° 53' 06" E 776.35 feet to the southwest corner of Lot 115 of Pinebrook Subdivision No. 3, according to the official plat thereof; thence along said Subdivision thru the following (8) courses (1) S 55° 50' 13" E 172.50 feet; (2) thence S 20° 17' 06" W 274.40 feet to a point on a 151.38 foot radius curve to the left (center bears S 69° 42' 54" E); (3) thence southerly along the arc of said curve 222.09 feet thru a central angle of 84° 03' 31" to a point on a 257.00 foot radius curve to the right (center bears S 75° 00' 19" W); (4) thence southwesterly along the arc of said curve 248.92 feet thru a central angle of 55° 29' 41" to a point of tangency; (5) thence S 40° 30' 00" W 223.54 feet to a point on a 166.00 foot radius curve to the left (center bears S 49° 30' 00" E); (6) thence southerly and easterly along the arc of said curve 362.16 feet thru a central angle of 125° 00' 00" to a point of tangency; (7) thence S 84° 30' 00" E 179.58 feet to a point on a 175.00 foot radius curve to the right (center bears S 5° 30' 00" W); (8) thence southeasterly and southerly along the arc of said curve 291.69 feet thru a central angle of 95° 30' 00" to a point of tangency and to the Northeast corner of Lot 367 of (Amended) Pinebrook Subdivision No. 3A according to the official plat thereof; thence along the East line of said Lot 367 S 11° 00' 00" W 145.76 feet to a point on a 203.85 foot radius curve to the right (center bears N 18° 15' 11" E; thence northeasterly along the arc of said curve 165.99 feet thru a central angle of 46° 39' 14" to a point of intersection with a non-tangent line being the northeasterly line of said Lot 367; thence along said No. 3A Subdivision thru the following (6) courses (1) S 47° 10' 19" W 274.19 feet; (2) thence S 26° 04' 37" E 219.00 feet; (3) thence S 60° 29' 15" E 244.75 feet; (4) thence S 84° 01' 01" E 260.00 feet; (5) thence N 80° 57' 56" E 204.56 feet; (6) thence N 41° 56' 59" E 377.40 feet to a point on the southwesterly line of Pinebrook Subdivision No. 4 according to the official plat thereof; thence along said subdivision thru the following (6) courses (1) S 48° 30' 00" E 67.95 feet; (2) thence S 13° 45' 00" E 217.38 feet; (3) thence S 4° 15' 00" W 1156.23 feet; (4) thence S 79° 00' 00" E 214.50 feet to a point on a 313.00 foot radius curve to the left (center bears S 83° 21' 14" E); (5) thence southeasterly along the arc of said curve 112.79 feet thru a central angle of 20° 38' 46" to a point on a 128.00 foot radius compound curve to the left (center bears N 76° 00' 00" E); (6) thence southeasterly and easterly along the arc of said curve 269.21 feet thru a central angle of 120° 30' 12" to a point of intersection with a non-tangent line to the Southwest corner of Lot 371 of Pinebrook Subdivision No. 3B according to the official plat thereof; thence along the southerly line of said Lot 371 S 44° 30' 00" E 189.42 feet; thence S 35° 47' 51" W 1525.85 feet; thence S 60° 47' 44" E 350.01 feet; thence East 771.33 feet; thence South 900.00 feet to a point on the South line of Section 14, T1S, R3E, SLB&M; thence along said South line S 89° 53' 53" W 1085.00 feet to the point of beginning. THE ABOVE DESCRIPTION CONTAINS 297.11 ACRES.

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EXHIBIT "B"

1. Amendment to Declaration of Covenants, Conditions and Restrictions for Pinebrook Subdivisions. Recorded December 3, 1985 at Book 363, Page 303 of the records of the Summit County Recorder.
2. Lots 249 through 296, Pinebrook Subdivision 6A as shown by the official plat annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded October 2, 1982 at Book 237, Page 190 of the records of the Summit County Recorder.
3. Lots 101 through 229, Pinebrook Subdivisions 3 and 4 as shown by the official plat annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded September 11, 1979 at Book M141, Page 118 of the records of the Summit County Recorder.
4. Lots 339 through 358, Pinebrook Subdivision 8 as shown as the official plat annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded November 1, 1983 at Book 877, Page 501 of the records of the Summit County Recorder.
5. Lots 363 through 367, Pinebrook Subdivision 3A as shown by as shown as the official plat annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded December 6, 1983 at Book 280, Page 622 of the records of the Summit County Recorder.
6. Lots 369 through 371, Pinebrook Subdivision 3B as shown by as shown as the official plat annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded December 6, 1983 at Book 280 of the records of the Summit County Recorder.
7. Lots E1 through E65, Ecker Hill Subdivision, Plat A annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded October 18, 1985 at Book 358, Page 411 of the records of the Summit County Recorder.
8. Lots E66 through E118, Ecker Hill Subdivision, Plat B annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded October 18, 1990 at Book 583, Page 539 of the records of the Summit County Recorder.
9. Lots 230, 231, 233, 234 and 235 of Pinebrook Subdivision 10 annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded July 8, 1991 at Book 615, Page 649-654 of the records of the Summit County Recorder.
10. Lots B1 through B19, Boothill Subdivision, annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded October 17, 1994 at Book 844, Page 90 of the records of the Summit County Recorder.
11. Lots SR1 through SR53, Sunridge Subdivision, annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded October 17, 1994, at Book 844, Page 96 of the records

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of the Summit County Recorder.

12. Lots C1 through C12, Ecker Hill Subdivision Plat C, annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded April 28, 1995, at Book 880, Page 284 of the records of the Summit County Recorder.

13. Lots C1 through D8, Ecker Hill Subdivision Plat D, annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded April 28, 1995 at Book 880, Page 284 of the records of the Summit County Recorder.

14. Lots 359 through 362 Pinebrook Subdivision 8 A, Supplementary Declaration of Covenants, Conditions, and Restrictions recorded June 13, 1995 at Book 880, Page 647 of the records of the Summit County Recorder.

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